

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
VI Mobile Communication,	)	File No. 0000457861
Application for Renewal	)	
Of Station WNFW347	)	

**ORDER**

**Adopted: November 1, 2002****Released: November 4, 2002**

By the Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. On June 15, 2001, Ralph Addington, d/b/a Arcom Communications (Arcom), filed a Petition to Deny (Petition) the above-captioned application of VI Mobile Communication (VI Mobile).<sup>1</sup> For the reasons discussed below, we deny Arcom's Petition.

2. On May 8, 2001, VI Mobile filed an application for renewal of its license for station WNFW347, which provides two-way radio service in the United States Virgin Islands (USVI).<sup>2</sup> VI Mobile's application was accepted for filing on May 16, 2001.<sup>3</sup> On June 15, 2001, Arcom filed its Petition with the Commission seeking denial of VI Mobile's renewal application based on allegations that Hughroy Thomas, the owner of VI Mobile, was selling radio equipment in violation of Commission rules.<sup>4</sup> In its Petition, Arcom asserts that Mr. Thomas, both directly and through Bronx Communication, also owned by Mr. Thomas, has been involved in the widespread sale of illegal radios to customers in the USVI, including agencies of the USVI Government.<sup>5</sup> According to the Petition, the USVI Government sought assistance from the Commission's Enforcement Bureau in this matter.<sup>6</sup>

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<sup>1</sup> Petition to Deny filed by Ralph Addington d/b/a Arcom Communications (June 15, 2001).

<sup>2</sup> FCC Application for Wireless Telecommunications Bureau Radio Service Authorization, File No. 0000457861 (May 8, 2001).

<sup>3</sup> Wireless Telecommunications Bureau Site-By-Site Accepted for Filing, *Public Notice*, Report No. 857 (May 16, 2001).

<sup>4</sup> Petition at 1. Apparently unaware of the Petition to Deny, the Commercial Wireless Division's Licensing and Technical Analysis Branch (Branch) inadvertently granted VI Mobile's application through the Commission's Universal Licensing System (ULS) on June 19, 2001. On that same day, Arcom sent a letter to the Branch, noting the application had been granted prior to resolving the Petition. On June 21, 2001, the Branch returned VI Mobile's application to pending status.

<sup>5</sup> Petition at 3. According to the Petition, USVI Government agencies purchased illegal Motorola Pro Series 3150, 5150, and 7150 two-way radios, which are Latin American model radios that are not authorized for resale or use in the United States, including Puerto Rico and the USVI because they do not comply with FCC regulations. *Id.* at 4, Ex. 1 and 3. Arcom contends that Hughroy Thomas violated Section 302 of the Communications Act, as amended, and Sections 2.803, 2.901, 2.925, and 15.19 of the Commission's rules. *Id.* at 1.

<sup>6</sup> Arcom includes in its Petition a letter dated May 18, 2001, from the USVI Government's Department of Property and Procurement to the Commission's Enforcement Bureau stating that the Department had become aware that

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3. We deny Arcom's Petition because it does not raise substantial or material questions of fact with respect to VI Mobile's application. According to the Enforcement Bureau, Mr. Thomas brought the matter of the sale of non-type accepted radios to the Bureau's attention before Arcom filed its Petition and had promptly taken corrective action. After examining these facts and the evidence in this matter, the Enforcement Bureau decided that no enforcement action was warranted under the specific circumstances of this case. Consistent with the Enforcement Bureau's decision that no enforcement action was warranted under the specific circumstances of this case, we find that these voluntarily admitted violations are not grounds for denial of the renewal application because the allegations contained in Arcom's Petition, even if true, do not raise a substantial or material question of fact warranting designation of VI Mobile's application for hearing.<sup>7</sup> Further, we do not find that the Arcom's allegations raise questions regarding VI Mobile's qualifications to continue to hold its license. We therefore deny Arcom's Petition<sup>8</sup> and refer VI Mobile's application to the Commercial Wireless Division's Licensing and Technical Analysis Branch for further processing in accordance with Commission rules.

4. Accordingly, IT IS ORDERED that, pursuant to Sections 5(i), 303(r), and 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), and Sections 0.331 and 1.939 of the Commission's Rules, 47 C.F.R. §§ 0.331, 1.939, the Petition to Deny filed by Ralph Addington d/b/a Arcom Communications on June 15, 2001, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Paul D'Ari, Chief  
Policy and Rules Branch  
Commercial Wireless Division  
Wireless Telecommunications Bureau

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various USVI Government agencies were purchasing two-way radios that did not comply with FCC rules from certain marketing entities, including Bronx Communications managed by Hughroy Thomas, the owner of VI Mobile. The Property and Procurement Department specifically asked the Enforcement Bureau to investigate the problem. Petition at 5, n. 9 and Ex. 4 (Letter from Herbert Schoenbohm, Acting Director, Central Stores Division, Department of Property and Procurement, Government of the Virgin Islands of the United States to Joseph Casey, Chief, Technical and Safety Division, Wireless Telecommunications Bureau, Federal Communications Commission (May 18, 2001)).

<sup>7</sup> See Duchossois Communications Co. of Maryland, Inc., *Memorandum Opinion and Order*, 10 FCC Rcd 6688, 6694, ¶ 28 (1995) (stating that the Commission is generally unwilling to designate a renewal application for an evidentiary hearing on grounds of technical or legal violations absent misrepresentations or lack of candor).

<sup>8</sup> Arcom also argues that the application should be denied under Section 312 of the Communications Act, as amended, for "willful and repeated" violation of Commission rules, and requests that we issue letters to Hughroy Thomas under Section 308(b) of the Communications Act, as amended, requesting information about the alleged violations. Petition at 6-8. We decline to initiate an investigation under Section 308(b) for the same reasons we deny the Petition. Finally, we also reject Arcom's request that we initiate an investigation into the activities of Gene Harvey and his companies Delta Communication, Page Comm and Castillo Communication because, according to Arcom, Mr. Harvey has been acting in concert with Hughroy Thomas. *Id.* at 7. This request is outside the scope of Arcom's Petition to Deny VI Mobile's renewal application.